

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

**IN RE:
PACKET CONSTRUCTION LLC**

DEBTOR

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BANKRUPTCY CASE NO. 23-10860

MOTION FOR AUTHORITY TO USE CASH COLLATERAL

THIS PLEADING REQUESTS RELIEF THAT MAY BE ADVERSE TO YOUR INTERESTS. IF NO TIMELY RESPONSE IS FILED WITHIN 21 DAYS FROM THE DATE OF SERVICE, THE RELIEF REQUESTED HEREIN MAY BE GRANTED WITHOUT A HEARING BEING HELD.

A TIMELY FILED RESPONSE IS NECESSARY FOR A HEARING TO BE HELD.

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

COMES NOW, Packet Construction LLC (“Debtor”) and files this Motion for Authority to Use Cash Collateral and Request for Emergency Consideration pursuant to 11 U.S.C. § 363. The Debtor presents this motion and respectfully represents the following:

1. On October 12, 2023 ("Petition Date"), the Debtor filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code, 11 U.S.C. §§ 101-1532 ("Bankruptcy Code") and is now operating its business as a Debtor-In-Possession.

2. The Debtor continue the management and operation of its civil construction for electric utilities and site work for foundations of substations and powerlines business as Debtor-In-Possession pursuant to §§1107 and 1108 of the Bankruptcy Code.

3. A search in the Texas Secretary of State shows that allegedly secured positions are held, in order of priority, by: The U.S. Small Business Administration, Fundfi Merchant Funding, Prosperum Capital Partners Loan #1, Prosperum Capital Partners Loan #2, Spartan Capital and Alpine Advance 5 LLC. *See Exhibit B.*

4. Debtor seeks to use the cash collateral to operate the business as set forth in the budget attached as Exhibit A.

6. Emergency Consideration: The Debtor depends on the use of cash collateral for payroll, insurance, and general operating expenses. Revenue is generated through the Debtor's business of management and operation of its civil construction for electric utilities and site work for foundations of substations and powerlines business.

7. It is critical to the operation of the Debtor's business, and to its reorganization efforts, that it be permitted to pay these expenses using cash collateral. Debtor produces revenue from its management and operation of its civil construction for electric utilities and site work for foundations of substations and powerlines business and would use such revenue to pay the budgeted expenses. Moreover, such revenue will be deposited by Debtor in its DIP operating account pending entry of an order allowing use of cash collateral or consent by lien holders.

8. Attached as Exhibit "A" is a 14- and 30-day budget for the Debtor, showing projected income and expenses. The amounts listed are reasonable and good faith estimations of what the Debtor needs to spend each month to continue the operations of its business and reorganize.

9. In addition to Exhibit A, the following Exhibit is also attached:

Exhibit B

UCC Lien Search

Exhibit C

Declaration of John Miller

10. Debtor requests authority to use the cash collateral for expenses set forth on Exhibit "A" and any other unforeseeable expenses that may arise and pose a threat to the Debtor's continued operations. Specifically, the Debtor requests authority to use the cash collateral to pay up to 110% of each expense in Exhibit A, so long as the total of cash collateral spent during the month does not exceed by more than 5% of that month's total in Exhibit A.

11. This "First Day Motion" is being filed alongside the Voluntary Petition under the Court's Standing Order on First Day Motions in Chapter 11 cases.

WHEREFORE, PREMISES CONSIDERED, the Debtor requests this matter be set for an emergency hearing and that upon hearing, the Court will enter an Interim Order authorizing the Debtor's use of the cash collateral in the amounts set forth in Exhibit "A" and for such other and further relief as the Debtor may show itself justly entitled.

Respectfully submitted,

THE LANE LAW FIRM, PLLC

/s/Robert C. Lane

Robert C. Lane

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6200 Savoy, Suite 1150

Houston, Texas 77036

(713) 595-8200 Voice

(713) 595-8201 Facsimile

PROPOSED COUNSEL FOR DEBTOR

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Motion for Use of Cash Collateral was served upon the US Trustee and to the parties listed on the service list below and the attached mailing matrix either via electronic notice by the court's ECF noticing system or by United States first class mail, postage prepaid, on October 12, 2023:

Debtor:

Packet Construction LLC
14205 N Mopac Expy #514
Austin, Texas 78728

US Trustee:

Office of the U.S. Trustee
903 San Jacinto Blvd
Room 230
Austin, Texas 78701
Ustpreregion07.au.ecf@usdoj.gov

U.S. Small Business Administration
Little Rock Commercial Loan Servicing
Center 2120 Riverfront Drive, Suite 100
Little Rock, AR 72202

Additional Notices via Electronic Communication:

Bass, Steven (USATXW) Steven.Bass@usdoj.gov

jason@jasongang.com

frank@spartancapitalgroup.com

apps@prosperumcapital.com

Ops@Alpineadvance.net

eryn@fundfimerchantfunding.com

mitchell@fundfimerchantfunding.com

/s/Robert C. Lane
Robert C. Lane

Label Matrix for local noticing
0542-1
Case 23-10860-cgb
Western District of Texas
Austin
Thu Oct 12 09:09:50 CDT 2023

Packet Construction LLC
PO Box 82668
Austin, TX 78708-2668

United States Trustee (SMG111)
United States Trustee
903 San Jacinto Blvd, Suite 230
Austin, TX 78701-2450

U.S. BANKRUPTCY COURT
903 SAN JACINTO, SUITE 322
AUSTIN, TX 78701-2450

Alpine Advance 5 LLC
228 Park Ave S
New York, NY 10003-1502

Alpine Advance 5 LLC
46 Washington Street Suite 6
Middletown, CT 06457-2861

Arcosa Aggregates
401 S Interstate Highway 45
Ferris, TX 75125-8801

Arnold Crushed Stone Inc
PO Box 632
Blum, TX 76627-0632

Arsenal Funding
8 West 36th Street, 7th Floor
New York, NY 10018-9774

Austin Lava, LLC
3107 Perry Lane
Austin, TX 78731-5341

Big Bend Services, LLC
PO Box 61226
Midland, TX 79711-1226

Braun Intertec
11001 Hampshire Ave S
Minneapolis, MN 55438-2424

(p)CATERPILLAR FINANCIAL SERVICES CORPORATION
2120 WEST END AVENUE
NASHVILLE TN 37203-5341

Caldwell East & Finlayson PLLC
One Riverwalk Place, 700 North St. Mary&
San Antonio, TX 78205

Capital Quarries
PO Box 105050
Jefferson City, MO 65110-5050

Centra Funding LLC
1400 Preston Road Suite 115
Houston, TX 77002

Connors Construction Inc.
2513 U.S. HWY 77
Lott, TX 76656-3595

David Neal LLC
899 FM 1947
Hillsboro, TX 76645-5157

Deans Stepp Law, LLP
325 N. Saint Paul St. Suite 1500
Dallas, TX 75201-3891

EnviroCon Systems Inc
PO Box 673048
Houston, TX 77267-3048

Ewald Kubota Inc.
PO Box 1287 71E
Seguin, TX 78156-1287

Force Logistics, LLC
28440 Verde Mountain Trl
San Antonio, TX 78261-2528

Fundfi Merchant Funding LLC
352 Fulton Avenue
Hempstead, NY 11550-3941

HKA Enterprises, Inc
337 Spartangreen Blvd
Duncan, SC 29334-9220

HercRentals
27500 Riverview Center Blvd Suite 100
Bonita Springs, FL 34134-4328

JCB Financial, Inc.
1715 Morgan Lane
Collegeville, PA 19426-2875

John Miller
PO Box 82668
Austin, TX 78708-2668

Landpoint
525 Sawdust Rd #200
Spring, TX 77380-2386

Laperouse, P.C.
5220 Spring Valley Road Suite 615
Dallas, TX 75254-2431

Lonestar Forklift
5300 SE Loop 410
San Antonio, TX 78222-3922

Mid-Tex Testing LLC
1301 New Dallas Hwy
Waco, TX 76705-2428

NUCOR Harris Rebar
4700 Singleton Blvd
Dallas, TX 75212-3333

North Mill Credit Trust
81 Throckmorton Ave
Mill Valley, CA 94941-1930

North Mill Credit Trust
9 Executive Circle Suite 230
Irvine, CA 92614-4701

PTR - Premier Truck Rental
9138 Bluffton Road
Fort Wayne, IN 46809-3057

Packet Construction LLC
14205 N Mopac Expressway 514
Austin, TX 78728

Providence Equipment Finance
aka Providence Bank & Trust
PO Box 706
South Holland, IL 60473-0706

Providence Equipment Finance A Division of P
1555 S. Ardmore Avenue
Villa Park, IL 60181-3407

SBM Earthmoving & Construction
7931 N State Line Ave
Texarkana, TX 75503-1945

SIR, LLC
Harwin Dr
Houston, TX 77036

Simpson Crushed Stone
1948 County Rd 1234
Nemo, TX 76070-3003

Southeast Readi-Mix Products Inc
3001 South Boyd Drive
Carlsbad, NM 88220-4709

(p)SOUTHSTAR FINANCIAL LLC
ATTN SOUTHSTAR FINANCIAL LLC
840 LOWCOUNTRY BLVD
MOUNT PLEASANT SC 29464-3000

Spartan Business Solutions, LLC d/b/a Sparta
371 E Main St. Suite 2
Middletown, NY 10940-3435

Stealth Monitoring Inc
15182 Marsh Lane
Addison, TX 75001-8047

SunCoast Post-Tension
16825 Northchase Dr Suite 1100
Mill Creek, PA 17060

Terracon Consultants, Inc
10841 S Ridgeview Road
Olathe, KS 66061-6456

TexMix Concrete
PO Box 830
Leander, TX 78646-0830

Texas First Rentals LLC
Po Box 650869
Dallas, TX 75265-0869

Texas Regional Bank
PO Box 5555
McAllen, TX 78502-5555

The Lane Law Firm
6200 Savoy Dr Ste 1150
Houston, TX 77036-3369

The Law Office of Jason Gang, PLLC
1245 Hewlett Plaza #478
Hewlett, NY 11557-4021

U.S. Small Business Administration
Little Rock Commercial Loan Servicing Ce
2120 Riverfront Drive Suite 100
Little Rock, AR 72202-1794

United Rentals
100 First Stamford Place Suite 700
Stamford, CT 06902-9200

United States Trustee - AU12
United States Trustee
903 San Jacinto Blvd, Suite 230
Austin, TX 78701-2450

Robert Chamless Lane
The Lane Law Firm, PLLC
6200 Savoy Dr, Suite 1150
Houston, TX 77036-3369

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

CAT Financial
PO Box 340001
Nashville, TN 37203

Marshall & Singleton, PLC
PO Box 4034
Jonesboro, AR 72401

Southstar Financial, LLC
840 Lowcountry Blvd
Mount Pleasant, SC 29464

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Territorial Bank of American Samoa
716 Centennial Building
PagoPago, American Samoa96799

End of Label Matrix	
Mailable recipients	58
Bypassed recipients	1
Total	59